

REMARKS

Claims 1-25 were examined and reported in the Office Action. Claims 1-25 are rejected. Claims 1-4, 8-11, 13-22 and 24-25 are amended. In particular, Applicant has amended claims 1 and 11 to specify the voice recognition device is able to recognize the voice request that it receives, to convert the recognized voice request into a text request, and the text request having the same content as the recognized voice request. Also, the voice recognition device returns to the terminal one or more possible text request(s) for confirmation. These features are inherently taught by Applicant's specification, page 8, lines 4-39: "For example, if the user desires to download a film, he says the title of this film. "According to a second 'with help' mode of operation, the voice recognition device 40 returns a collection of interpretation prompts interpreting the user's request to the access server 20. These prompts correspond to titles of films available in the database 30. Each of these prompts is associated with a probability of correspondence with the user's request." "The user of the terminal verifies that his request is indeed among the prompts displayed on his screen." Therefore, the voice recognition device recognizes the title pronounced by the user and returns to the user a text message reciting titles of film, which correspond to the title pronounced by the user. The aim of the process is clearly to allow the user to confirm the recognition made by the recognition device. At page 3, lines 4-7 it is indicated that: "This system advantageously allows the user to verify that his request has been correctly interpreted before confirming the downloading of a file. This system therefore avoids any futile downloading." Therefore, no new matter is added. Claims 1-25 remain.

Applicant requests reconsideration of the application in view of the following remarks.

I. 35 U.S.C. § 102(b)

It is asserted in the Office Action that claims 1, 2, 5, 6, 11, 12, 14, 19, 21 and 23 are rejected under 35 U.S.C. § 102(b), as being unpatentable by U. S. Patent No. 5,594,779 issued to Goodman ("Goodman"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

According to MPEP §2131,

[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.’ (Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). ‘The identical invention must be shown in as complete detail as is contained in the ... claim.’ (Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, *i.e.*, identity of terminology is not required. (In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)).

Applicant’s claim 1 contains the limitations of

downloading is carried out via a mobile telephony network (10), the said terminal (50; 60, 70) being able to be connected to the mobile telephony network (10), the said system comprising a voice recognition device (40), a database (30) connected to the network (10) and containing multimedia files, the terminal (50; 60, 70) being able to transmit a voice request designating one or more file(s) contained in the database (30) emanating from the user to the voice recognition device (40) and the voice recognition device (40) is able to recognize the voice request that it receives, to convert said recognize voice request into a text request, said text request having the same content as the recognized voice request and to return to the terminal (50; 60, 70) one or more possible text request(s) for confirmation by the user, the terminal being able to return one of the text request selected by the user, thereby bringing about the downloading of a multimedia file corresponding to the selected text request from the database (30) to the terminal (50; 60, 70) via the mobile telephony network (10).

Applicant’s claim 11 contains the limitations of

the downloading is carried out via a mobile telephony network (10), the said terminal being able to be connected to the mobile telephony network (10), said process comprising the steps according to which: a user transmits a signal corresponding to a voice request designating one or more multimedia file(s) contained in a database (30) to a voice recognition device (40) from a terminal (50; 60, 70) via the mobile telephony network (10), the voice recognition device (40) recognizes the voice request,

converts said voice request into a text request, said text request having the same content as the voice request, and returns to the terminal (50; 60, 70) one or more possible text request(s) for confirmation by the user, the user selects the text request corresponding to the voice request, thereby bringing about the downloading of a multimedia file corresponding to the selected text request from the database (30) to the terminal (50; 60, 70) via the mobile telephony network (10).

Goodman discloses a system for downloading multimedia content (programs). It is not contested that Goodman discloses a voice recognition device (SR/SAR 14) that returns to a user terminal (MAPOD 2) different proposals for multimedia files. However, Goodman and Applicant's claimed invention operate differently.

In Goodman, the SR/SAR starts prompting the user with predefined menus and then the user gives verbal responses. The SR/SAR interprets the verbal response until a specific program is identified (see Goodman, column 14, lines 38-50). For instance, the SR/SAR could prompt the user with the following menu: "songs, films, images." If the user pronounces the word "films," then the SR/SAR will prompt the user with another menu reciting different titles of films until a specific title is identified. In contrast, Applicant's claimed invention starts recognizing a voice request and then returns to the user's terminal propositions for text requests having the same content as the recognized voice request. In summary, the voice recognition device "repeats" the user's request. This is quite distinguishable from Goodman. And, as the voice recognition device returns the recognized title to the user's terminal, the user can check that his request has been correctly recognized by the voice recognition device before downloading the requested media file.

Thus, Goodman does not teach, disclose or suggest Applicant's claim 1 limitations of

a database (30) connected to the network (10) and containing multimedia files, the terminal (50; 60, 70) being able to transmit a voice request designating one or more file(s) contained in the database (30) emanating from the user to the voice recognition device (40) and the voice recognition device (40) is able to recognize the voice request that it receives, to convert said recognize voice request into a text request, said text request having

the same content as the recognized voice request and to return to the terminal (50; 60, 70) one or more possible text request(s) for confirmation by the user, the terminal being able to return one of the text request selected by the user, thereby bringing about the downloading of a multimedia file corresponding to the selected text request from the database (30) to the terminal (50; 60, 70) via the mobile telephony network (10),

nor Applicant's claim 11 limitations of

a user transmits a signal corresponding to a voice request designating one or more multimedia file(s) contained in a database (30) to a voice recognition device (40) from a terminal (50; 60, 70) via the mobile telephony network (10), the voice recognition device (40) recognizes the voice request, converts said voice request into a text request, said text request having the same content as the voice request, and returns to the terminal (50; 60, 70) one or more possible text request(s) for confirmation by the user, the user selects the text request corresponding to the voice request, thereby bringing about the downloading of a multimedia file corresponding to the selected text request from the database (30) to the terminal (50; 60, 70) via the mobile telephony network (10).

Therefore, since Goodman does not teach, disclose or suggest all of Applicant's claims 1 and 11 limitations, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(b) has not been adequately set forth relative to Goodman. Thus, Applicant's claims 1 and 11 are not anticipated by Goodman. Additionally, the claims that directly or indirectly depend on claims 1 and 11, namely claims 2, 5 and 6, and 12, 14, 19, 21 and 23, respectively, are also not anticipated by Goodman for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 102(b) rejections for claims 1, 2, 5, 6, 11, 12, 14, 19, 21 and 23 are respectfully requested.

II. 35 U.S.C. § 103

A. It is asserted in the Office Action that claims 3, 4, 7, 8, 13, 15-18, 20, 22 and 25 are rejected in the Office Action under 35 U.S.C. § 103(a), as being unpatentable over Goodman and

further in view of U.S. Patent No. 6,965,770 issued to Walsh et al. ("Walsh"). Applicant respectfully traverses the aforementioned rejections for the following reasons.

According to MPEP §2142

[t]o establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. (In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)).

Further, according to MPEP §2143.03, "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." *"All words in a claim must be considered in judging the patentability of that claim against the prior art."* (In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970), emphasis added.)

Applicant's claims 3, 4, 7 and 8 depend on claim 1. Applicant's claims 13, 15-18, 20, 22 and 25 depend on claim 11. Applicant has addressed Goodman regarding claims 1 and 11 above in section I. In particular, Goodman does not teach, disclose or suggest that the SR/SAR system returns to the user's terminal a text request having the same content as the recognized voice request for confirmation.

Walsh relates to a system for selecting content to be played. The system starts sending a playlist ("list of selectable content items") from a content server to a user's terminal (see Walsh, column 2, lines 19-20, lines 30-31, lines 41-42, lines 53-55, and column 5, lines 7-9). The user makes a selection for an item within the playlist he has received. The selection can be made by voice, thanks to a speech recognition engine. The system in Walsh operates the same way as Goodman as the system proposes different menus and the user gives verbal response until an

item is selected. The system disclosed in Walsh does not allow a user to confirm that his request has been correctly interpreted by the speech recognition engine. Therefore, this system has the same drawback as the system disclosed by Goodman: if the requests of the user are not correctly interpreted by the speech recognition engine, then the system downloads the wrong item.

Neither Goodman, Walsh, and therefore, nor the combination of the two teach, disclose or suggest to return to the user's terminal propositions for text requests having the same content as the recognized voice request, for confirmation.

Therefore, if Goodman was combined with Walsh, the combination would still not teach, disclose or suggest Applicant's claim 1 limitations of

a database (30) connected to the network (10) and containing multimedia files, the terminal (50; 60, 70) being able to transmit a voice request designating one or more file(s) contained in the database (30) emanating from the user to the voice recognition device (40) and the voice recognition device (40) is able to recognize the voice request that it receives, to convert said recognize voice request into a text request, said text request having the same content as the recognized voice request and to return to the terminal (50; 60, 70) one or more possible text request(s) for confirmation by the user, the terminal being able to return one of the text request selected by the user, thereby bringing about the downloading of a multimedia file corresponding to the selected text request from the database (30) to the terminal (50; 60, 70) via the mobile telephony network (10),

nor Applicant's claim 11 limitations of

a user transmits a signal corresponding to a voice request designating one or more multimedia file(s) contained in a database (30) to a voice recognition device (40) from a terminal (50; 60, 70) via the mobile telephony network (10), the voice recognition device (40) recognizes the voice request, converts said voice request into a text request, said text request having the same content as the voice request, and returns to the terminal (50; 60, 70) one or more possible text request(s) for confirmation by the user, the user selects the text request corresponding to the voice request, thereby bringing about the downloading of a multimedia file corresponding to the selected text request from the database (30) to the terminal (50; 60, 70) via the mobile telephony network (10).

Since neither Goodman, Walsh, and therefore, nor the combination of the two, teach, disclose or suggest all the limitations of Applicant's claims 1 and 11, Applicant's claims 1 and 11 are not obvious over Goodman in further view of Walsh since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claims that directly or indirectly depend from claims 1 and 11, namely claims 3, 4, 7 and 8, and 13, 15-18, 20, 22 and 25, respectively, would also not be obvious over Goodman in further view of Walsh for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejections for claims 3, 4, 7, 8, 13, 15,-18, 20, 22 and 25are respectfully requested.

B. It is asserted in the Office Action that claims 9-10 are rejected in the Office Action under 35 U.S.C. § 103(a), as being unpatentable over Goodman in view Walsh and further in view of U. S. Patent No. 6,996,393 issued to Pyhälammi ("Pyhälammi "). Applicant respectfully traverses the aforementioned rejections for the following reasons.

Applicant's claims 9-10 depend on claim 1. Applicant has addressed Goodman in view of Walsh above in section II(A).

Pyhälammi discloses a mobile content delivery system that optimizes the delivery of bandwidth-consuming content over a cellular network. Pyhälammi does not use a voice recognition device, and thus does not address the problem of possible mistranslation of a verbal request by a voice recognition device.

That is, even if Goodman and Walsh were combined with Pyhälammi, the combination would still not teach, disclose or suggest Applicant's claim 1 limitations of

a database (30) connected to the network (10) and containing multimedia files, the terminal (50; 60, 70) being able to transmit a voice request designating one or more file(s) contained in the database (30) emanating from the user to the voice recognition device (40) and the voice recognition device (40) is able to

recognize the voice request that it receives, to convert said recognize voice request into a text request, said text request having the same content as the recognized voice request and to return to the terminal (50; 60, 70) one or more possible text request(s) for confirmation by the user, the terminal being able to return one of the text request selected by the user, thereby bringing about the downloading of a multimedia file corresponding to the selected text request from the database (30) to the terminal (50; 60, 70) via the mobile telephony network (10).

Since neither Goodman, Walsh, Pyhälammi, and therefore, nor the combination of the three, teach, disclose or suggest all the limitations of Applicant's claim 1, Applicant's claim 1 is not obvious over Goodman in view of Walsh and further in view of Pyhälammi since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claims that directly or indirectly depend from claim 1, namely claims 9-10, would also not be obvious over Goodman in view of Walsh and further in view of Pyhälammi for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejections for claims 9-10 are respectfully requested.

C. It is asserted in the Office Action that claim 24 is rejected in the Office Action under 35 U.S.C. § 103(a), as being unpatentable over Goodman in view of Walsh and further in view of U. S. Patent No. 6,345,250 issued to Martin ("Martin"). Applicant respectfully traverses the aforementioned rejections for the following reasons.

Applicant's claim 24 indirectly depends on claim 11. Applicant has addressed Goodman in view of Walsh above in section II(A).

Martin discloses an interactive voice response application on a computer telephony system that uses voice prompts from a mixed set of pre-recorded voice prompts and voice prompts synthesized from a text-to-speech process. Martin does not relate to the downloading of multimedia files over a mobile telephony network.

That is, even if Goodman and Walsh were combined with Martin, the combination would still not teach, disclose or suggest Applicant's claim 11 limitations of

a user transmits a signal corresponding to a voice request designating one or more multimedia file(s) contained in a database (30) to a voice recognition device (40) from a terminal (50; 60, 70) via the mobile telephony network (10), the voice recognition device (40) recognizes the voice request, converts said voice request into a text request, said text request having the same content as the voice request, and returns to the terminal (50; 60, 70) one or more possible text request(s) for confirmation by the user, the user selects the text request corresponding to the voice request, thereby bringing about the downloading of a multimedia file corresponding to the selected text request from the database (30) to the terminal (50; 60, 70) via the mobile telephony network (10).

Since neither Goodman, Walsh, Martin, and therefore, nor the combination of the three, teach, disclose or suggest all the limitations of Applicant's claim 11, Applicant's claim 11 is not obvious over Goodman in view of Walsh and further in view of Martin since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claim that indirectly depends from claim 11, namely claim 24, would also not be obvious over Goodman in view of Walsh and further in view of Martin for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejections for claim 24 is respectfully requested.

CONCLUSION

In view of the foregoing, it is submitted that claims 1-25 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.


PETITION FOR EXTENSION OF TIME

Per 37 C.F.R. 1.136(a) and in connection with the Office Action mailed on October 10, 2007, Applicant respectfully petitions the Commissioner for a one (1) month extension of time, extending the period for response to February 12, 2007 (February 10, 2007 being a Saturday). The Commissioner is hereby authorized to charge payment to Deposit Account No. 02-2666 in the amount of \$120.00 to cover the petition filing fee for a 37 C.F.R. 1.17(a)(1) large entity. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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Dated: February 12, 2007

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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below to the United States Patent and Trademark Office.


Suzanne Johnston


Date: February 12, 2007